

Hearing Date: September 14, 2022 at 10:00 a.m. (ET)

Objection Deadline: June 17, 2022

Reply Deadline: July 29, 2022

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

UBS AG, UBS EUROPE SE (f/k/a UBS
(LUXEMBOURG) SA), UBS FUND SERVICES
(LUXEMBOURG) SA, UBS THIRD PARTY
MANAGEMENT COMPANY SA, ACCESS
INTERNATIONAL ADVISORS LLC, ACCESS
INTERNATIONAL ADVISORS LTD., ACCESS
MANAGEMENT LUXEMBOURG SA (f/k/a
ACCESS INTERNATIONAL ADVISORS
(LUXEMBOURG) SA) as represented by its
Liquidator MAÎTRE FERNAND ENTRINGER,

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Proc. No. 10-04285 (CGM)

ACCESS PARTNERS SA as represented by its Liquidator MAÎTRE FERNAND ENTRINGER, PATRICK LITTAYE, CLAUDINE MAGON DE LA VILLEHUCHET (a/k/a CLAUDINE DE LA VILLEHUCHET) in her capacity as Executrix under the Will of THIERRY MAGON DE LA VILLEHUCHET (a/k/a RENE THIERRY DE LA VILLEHUCHET), CLAUDINE MAGON DE LA VILLEHUCHET (a/k/a CLAUDINE DE LA VILLEHUCHET) individually as the sole beneficiary under the Will of THIERRY MAGON DE LA VILLEHUCHET (a/k/a RENE THIERRY DE LA VILLEHUCHET), PIERRE DELANDMETER, THEODORE DUMBAULD, LUXALPHA SICAV as represented by its Liquidators MAÎTRE ALAIN RUKAVINA and PAUL LAPLUME, MAÎTRE ALAIN RUKAVINA AND PAUL LAPLUME, in their capacities as liquidators and representatives of LUXALPHA, GROUPEMENT FINANCIER LTD.,

Defendants.

DECLARATION OF GABRIEL HERRMANN IN SUPPORT OF THE UBS DEFENDANTS' MOTION TO DISMISS THE SECOND AMENDED COMPLAINT

Gabriel Herrmann, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an attorney duly admitted to practice before this Court and am a partner in the law firm of Gibson, Dunn & Crutcher LLP, counsel for Defendants UBS AG, UBS Europe SE (f/k/a UBS (Luxembourg) S.A.) (“*UBS Lux*” or “*UBS SA*”), UBS Fund Services (Luxembourg) S.A. (“*UBSFSL*”), and UBS Third Party Management Company S.A. (“*UBSTPM*”) (collectively, “*UBS*” or the “*UBS Defendants*”) in the above-captioned adversary proceeding. I respectfully submit this declaration to provide the Court with true and correct copies of the documents listed below that are referenced in the Memorandum of Law in Support of the UBS Defendants’ Motion to Dismiss the Second Amended Complaint, filed concurrently herewith.

2. Annexed hereto as Exhibit 1 is a true and correct copy of the *Stipulation and Order Concerning UBS (Luxembourg) S.A.'s Withdrawal of Its Motion to Dismiss, and Dismissal Without Prejudice of Certain Defendants*, filed in the above-captioned proceeding on June 18, 2013 at ECF No. 154.

3. Annexed hereto as Exhibit 2 is a true and correct copy of the *Complaint* filed by the Securities and Exchange Commission in the action styled *SEC v. Madoff* in the U.S. District Court for the Southern District of New York, No. 08-civ-10791, on December 11, 2008 at ECF No. 1.

4. Annexed hereto as Exhibit 3 is a true and correct copy of the *Second Amended Complaint* filed by the Trustee in the proceeding pending in this Court styled *Picard v. Shapiro*, No. 10-5383, on July 8, 2014 at ECF No. 33.

5. Annexed hereto as Exhibit 4 is a true and correct copy of the *Amended Complaint* filed by the Trustee in the proceeding pending in this Court styled *Picard v. Fairfield Sentry Limited*, No. 09-1239, on July 20, 2010 at ECF No. 23.

6. Annexed hereto as Exhibit 5 is a true and correct copy of the *Second Amended Complaint* filed by the Trustee in the proceeding pending in this Court styled *Picard v. Fairfield Sentry Limited*, No. 09-1239, on August 28, 2020 at ECF No. 286.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 22, 2022
New York, New York

/s/ Gabriel Herrmann
Gabriel Herrmann